

OFFICE OF THE ATTORNEY GENERAL ⁹¹⁻⁰⁰²⁰¹



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MAR 21 1991

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Honorable James Stewart
Mayor Pro-Tem
Town of Town Creek
P. O. Box 190
Town Creek, AL 35672

Municipalities - Parks and
Recreation - Real Property -
Municipal Funds

The Town of Town Creek may purchase land outside its corporate limits, but within its police jurisdiction, on which the town may build a ball park. The town may provide streets, lights and water for such park.

Dear Mayor Stewart:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Can the Town of Town Creek purchase land outside of its corporate limits, but within its police jurisdiction, on which to build a ball park? Can the town provide streets, lights and water for such park?

FACTS AND ANALYSIS

Code of Alabama 1975, § 11-47-211 provides in pertinent part:

"Each incorporated municipality in the state of Alabama may, in such manner as may be authorized or provided by law for the acquisition of lands, buildings, facilities and improvements for public purposes, acquire or lease lands, buildings, facilities, and improvements situated in whole or in part inside or outside the corporate limits of such municipality for parks, park areas, playgrounds, recreational or athletic centers, stadiums and other recreational or athletic purposes and activities; . . ."

Section 11-47-212 states:

"All authority heretofore or hereafter granted to municipalities to acquire, provide, establish, finance (including the issuance of bonds, warrants or other obligations to pay the cost thereof), own, use, operate, manage and control (including the fixing of fees and the charging for access to and the use and enjoyment thereof and the making of rules and regulations with respect thereto) parks, playgrounds and recreational or athletic areas or facilities situated within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic areas or facility situated in whole or in part outside its corporate limits."

Thus, a municipality has statutory authority to acquire lands and improvements inside or outside of its corporate limits for parks and recreation or athletic centers. In an opinion of the Attorney General to Honorable Ralph E. Coleman, Town Attorney, Town of Mulga, dated May 20, 1976, it was concluded that the Town of Mulga could develop and operate a park on land owned by it outside of its corporate limits. Furthermore, the authority given a municipality in § 11-47-211 and § 11-47-212 to acquire land and improvements and to provide and operate parks and recreational or athletic areas includes the authority to provide improvements to the property such as streets, lights and water for such park.

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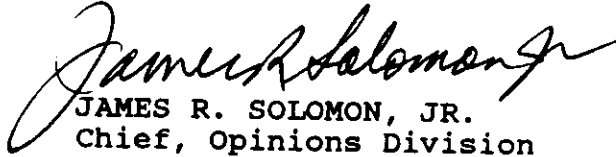
CONCLUSION

The Town of Town Creek may purchase land outside its corporate limits, but within its police jurisdiction, on which the town may build a ball park. The town may provide streets, lights and water for such park.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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